IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. 19052-M of 2007
Date of decision : August 9, 2007

Bhim Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

Present : Mr. Ashit Malik, Advocate
for the petitioners.

Mr. Vikas Chaudhary, AAG, Haryana.

S.S. SARON, J

Heard learned counsel for the parties.

The petitioners seek regular bail pending trial in a case registered against them for the offences under Sections 302, 120-B/34, 148, 149, 324 and 506 IPC.

The FIR in the case has been registered on the statement of Bhim Singh (Petitioner No.1) on 23.10.2006. Inspector Radhey Sham, SHO Police Station Nissing went to the Community Health Centre, Nissing on receipt of intimation that Sultan Singh (Petitioner No.2) had suffered injuries and had been admitted. Sultan Singh (Petitioner No.2) was, however, declared not fit to make his statement. Accordingly, the statement of Bhim Singh (Petitioner No.1) was recorded who stated that at about 2.00/2.30

A.M., he heard noise from the room of Sultan Singh (Petitioner No.2). He went to his room and found that his sister-in-law (Bhabi) Rukhsana was caught hold of by Malkhan Singh and Rajnish while Ajmer who was holding a 'drant' in his hand was causing injuries on her neck. Sultan Singh (Petitioner No.2) had been caught hold of by Sandeep Singh and Suresh Kumar whereas Sultan Singh son of Munshi Ram was holding a 'sword' by which he was causing injuries to Sultan Singh (Petitioner No.2), Bala wife of Sultan Singh (Petitioner No.2), Darshna wife of Ajmer Singh and Malkhan Singh's wife and all three were shouting that both be killed and should not be allowed to escape. On seeing Bhim Singh (Petitioner No.1), Ajmer Singh shouted that he be also caught hold of but he (Bhim Singh) ran out raising an alarm which attracted his brother Natha Ram and the neighbours. All the assailants then ran away with their weapons. Thereafter, Natha Ram, Bhim Singh (Petitioner No.1) went to the room to Sultan Singh (Petitioner No.2) and found that Rukhsana had succumbed to her injuries on the neck and Sultan Singh (Petitioner No.2) was lying unconscious because of the injuries. After arranging transport, they were brought to the Government Hospital, Nissing. It is alleged that there was a dispute over a piece of land between the complainant-Bhim Singh (Petitioner No.1) and Ajmer Singh son of Munshi Ram regarding which litigation was going on for the last 7-8 years. About 2 - 2/½ months ago, Ajmer Singh etc. had won the case and the petitioners had filed an appeal in the High Court at Chandigarh. Because of this grudge,

Ajmer Singh in league with others had committed the murder of Ruksana – sister-in-law of Bhim Singh (Petitioner No.1).

Learned counsel for the petitioners has contended that the petitioners have been falsely implicated and in fact petitioner No.1 (Bhim Singh) is the complainant and petitioner No.2 (Sultan Singh) is the injured. It is submitted that the actual accused have been got discharged. The Investigating Officer it is submitted wrongly disbelieved the version of Bhim Singh (Petitioner No.1) and has implicated the petitioners. The Investigating Officer took the help of one Ram Pal Lambardar who has alleged that the petitioners had come to him on 13.01.2007 and confessed having murdered Rukhsana wife of Sultan Singh (Petitioner No.2). It is submitted that Ram Pal belongs to village Gudha whereas petitioners reside in Village Gullarpur which is at a distance of about 10 Kms. Therefore, the petitioners are absolute strangers to Ram Pal and they had no dealings with him of any kind. Therefore, the extra-judicial confession before a person who is a stranger is of no value and is wrongly being given undue weightage.

After giving my thoughtful consideration to the matter, it may be noticed that during investigation of the case, it was found that Bhim Singh (Petitioner No.1) and Sultan Singh (Petitioner No.2) had hatched a conspiracy. In furtherance of the said conspiracy, they had murdered Rukhsana wife of Sultan Singh (Petitioner No.2) and sister-in-law of Bhim Singh (Petitioner No.1). Thereafter they falsely implicated the persons with whom they were

having a dispute i.e. Malkhan Singh etc. Ajmer Singh, Sultan Singh, Malkhan Singh son of Munshi Ram, Suresh Kumar son of Malkhan Singh, Sandeep Kumar son of Ajmer Singh were arrested and they were remanded in police custody for two days. Thereafter they were found innocent and were discharged. During investigation, it also transpired that the petitioners had self-suffered injuries on their person. The blood-stained clothes of Bhim Singh (Petitioner No.1) have also been recovered at the instance of the petitioners. On the basis of the investigation carried out by the Police, challan has been filed against the petitioners. The learned Additional Sessions Judge, Karnal, while declining the bail to the petitioners has observed that the petitioners had tried to concoct a wrong and false story and had falsely implicated Malkhan Singh in order to settle a score with them. In view of the property dispute between them and the petitioners, the petitioners had also tried to create false evidence. Keeping in view the totality of the circumstances, no ground for bail is made out at this stage.

Consequently, the Criminal Miscellaneous petition is dismissed. However, the learned trial Court shall make every effort to expedite the trial.

(S.S. SARON)
JUDGE

August 9, 2007
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